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THE CIA VS. SNEPP

Should the Central Intelligence Agency punish a former agent for writing about ineptitude within the Company—even if he disclosed no classified information? The question has been raised by the government's civil suit against Frank Snepp, author of a recent book ("Decent Interval") that catalogs alleged U.S. intelligence failures leading to the 1975 evacuation of Vietnam. Because Snepp failed to submit his book for prior review—as he promised in the secrecy pledge he signed on joining the CIA in 1968—the Justice Department has sued him for breach of contract. But his case also touches on important free-speech issues, and raises the pos-

sibility of a precedent that could deter many public employees from writing about government operations.

The Justice Department says it is suing Snepp to determine the validity of the secrecy oath. In 1972, a U.S. Court of Appeals said secrecy regulations could be used only to prevent the disclosure of classified information. Last week, a CIA lawyer conceded in a deposition that Snepp's book contained no classified material or information not already made public by the CIA. Still, Justice argues that the CIA has a right to review a proposed publication "to assure that it contains no classified information." The government also maintains that Snepp violated a fiduciary obligation to the CIA and also exploited his agency experience for profit, and it wants to take all his earnings from the book. Snepp's publisher, Random House, last week was required to turn over to Justice all its documents on royalties and advances.

Official Secrets: Snepp and Random House clearly would like to associate the case with the general issue of "whistle-blowing" by government employees. For the CIA to demand an unlimited right of prior review when national security is not involved, he maintains, smacks of Britain's Official Secrets Act—which forbids unauthorized publication of any inside information about the government. And if every government employee has a fiduciary responsibility to his agency, Snepp contends, "a mail clerk could be sued for merely blowing the whistle on an inept office manager." Says Random House chairman Robert L. Bernstein: "One day after Attorney General



John Ficarra—Newsweek

Bernstein: Blowing the whistle

[Griffin] Bell announced that he would sue Mr. Snepp, the President said in a press conference he would support a law to protect 'whistle blowers' in government. The contrast between these two actions is stunning."

In his defense, Snepp also claims that the CIA broke its own contract by not letting him air his complaints within the agency. He says a second secrecy agreement he signed when he quit in 1976 required him to submit only classified information for review, though the terms of the agreement are actually much broader than that. As for a fiduciary obligation, supporters of Snepp note that higher government officials and former Presidents—recently including H.R. (Bob) Halde- man and Richard M. Nixon—have turned their government experience into highly profitable memoirs.

—SUSAN FRAKER with SUSAN AGREST in New York and
DIANE CAMPER in Washington



Snepp: What does an oath mean?